

Notice of Allowability

Application No.	Applicant(s)	
10/812,084	MORROW ET AL.	
Examiner	Art Unit	
Wayne Langel	1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment of 3-16-06.

2. The allowed claim(s) is/are 1-8.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 4-24-06.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Rosenblum on April 24, 2006

In claim 1, line 3, "hydrogen" (second occurrence) has been changed to -- carbon dioxide -- .

In claim 2, last line "to" (second occurrence) has been deleted.

The following is an examiner's statement of reasons for allowance: Thomas (US 4,183,369) discloses a method for transmitting hydrogen gas from one point to another wherein the hydrogen gas is first purified to remove deleterious oxygen, carbon dioxide and any other contaminants. The gas may be compressed to raise the pressure to a preselected level, and the pressurized hydrogen gas is introduced into the inlet of a pipeline which is at least partially filled with activated metallic hydride wherein at least a portion of the hydrogen gas is absorbed by the metallic hydrides and is transported by migration through the metallic hydrides from the inlet towards the outlet end of the pipeline, and withdrawing the hydrogen gas from the pipeline outlet end. (See the Abstract.) Thomas teaches at col. 4, lines 55-57 that underground storage caverns can be filled or partially filled with metallic hydrides to store hydrogen with connection in various ways to the pipeline. However Thomas does not teach, disclose or suggest the

particular sequence of steps as recited in applicants' claims, in particular the step of purifying the hydrogen stream after the compression step and after recovery of the hydrogen stream from the cavern. Nor would there be any motivation from the prior art to modify the process of Thomas to arrive at the particular sequence of steps as recited in applicants' claims. Applicants' specification discloses in Paragraph [0008] on page 3 that it has been found by the inventors herein that storage of hydrogen within salt formation produces unacceptably high levels of carbon dioxide and potentially other impurities in the hydrogen, which is not recognized by Thomas. Accordingly there would be no motivation to modify the process of Thomas by purifying the hydrogen stream after its removal from the cavern, as opposed to before its entry therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne A. Langel
Wayne Langel
Primary Examiner
Art Unit 1754